

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 5286, "AN ORDINANCE ESTABLISHING A SEPARATE ORDINANCE FOR RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER UTILITY OF THE CITY OF ELKHART, INDIANA" AND ORDINANCE NO. 5827, "AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5286..." AND ESTABLISHING AMENDED RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER UTILITY OF THE CITY OF ELKHART, INDIANA"

WHEREAS, the City of Elkhart, Indiana ("City") owns, operates and maintains a municipal wastewater utility to collect, process and treat waste substances and sanitary sewage for the benefit of the citizens of Elkhart ("Utility"); and

WHEREAS, the Common Council of the City ("Common Council") adopted Ordinance No. 5286 on December 19, 2011, establishing rates and charges for the use of and services rendered by the Utility of the City, some provisions of which Ordinance No. 5286 were subsequently amended by the Common Council with the adoption of Ordinance No. 5321 on November 19, 2012 and Ordinance No. 5827 on December 21, 2020; and

WHEREAS, the Administration has reviewed the financial requirements of the Utility and determined that the current rates and charges of the Utility are insufficient to: (i) fund current and future operating and maintenance expenses, (ii) equipment expenses, (iii) debt service payments, (iv) payments in lieu of taxes, (v) capital improvements, and (vi) fund the necessary changes to the combined sewer system so that the Utility is in compliance with the Federal Consent Decree; and

WHEREAS, the Board of Public Works ("Board") of the City adopted Resolution No. 23-R-25 on November 21, 2023, approving of amendments to Ordinance No. 5286 as previously amended by Ordinance Nos. 5321 and 5827; and

WHEREAS, the Common Council has considered the Rate and Financing Report, dated

October 18, 2023, prepared by Baker Tilly Municipal Advisors, LLC (the "Rate and Financing Report") and all other relevant information pertaining to this matter, and has determined that an increase in rates and charges is necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. Amendments. The following Sections of Ordinance No. 5827, are hereby amended as follows:

Section 5.0 Sewer Assessment Charges and Interest

5.1 Charges. For all properties where a dedicated Public Sewer exists in a public right-of-way or easement, but the Public Sewer was not constructed under Barrett Law, the property owner shall pay the following fees prior to connecting to the Publicly Owned Treatment Works ("POTW"):

Public sewer construction cost per linear foot*	\$60.00
Connecting fee, if applicable	\$300.00 per connection
Sewer lateral, if applicable	\$1,000.00 per sewer lateral
* Maximum linear foot charge of \$8,000 for each single-family, owner-occupied residential property.	

5.2 Interest. During December of each calendar year, the Board shall establish the interest rate for the following year as the prime rate published on the first day of December of the current year plus one percentage point (prime rate + 1%). The interest rate set by the Board for that year shall apply to all installment contracts entered into that year by property owners and the City. The initial interest rate shall continue for the life of each contract initiated in

that year.

Section 6.0 Basic Sewer Charges

For the use and the service rendered by the POTW, each User shall pay the following basic Wastewater rates and charges:

<i>Rates effective as of:</i>	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
Sewer only account set-up fee	\$38.00				
Sewer deposit	\$130.00				
Residential sewer insurance monthly premium*	\$2.10	\$2.20	\$2.25	\$2.35	\$2.40
Residential sewer insurance annual deductible	\$400.00				
Residential sewer insurance administrative fee**	\$20.00				
Trip charge	\$38.00				
* For each residential sewer lateral					
** Applicable only if deductible is paid in monthly installments					

<i>Minimum Charge per Month</i>	<i>Rates effective as of:</i>				
	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
For metered users	\$36.69	\$41.10	\$46.02	\$51.99	\$58.23
For unmetered users	\$62.67	\$70.20	\$78.60	\$88.83	\$99.51

<i>Charge per 100 cubic feet/748 gallons discharged per month</i>	<i>Rates effective as of:</i>				
	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
First 300 cubic feet/2,244 gallons	\$12.23	\$13.70	\$15.34	\$17.33	\$19.41
Next 3,000 cubic feet/22,442 gallons	\$4.33	\$4.85	\$5.43	\$6.14	\$6.88
Over 3,300 cubic feet/24,686 gallons	\$3.77	\$4.22	\$4.73	\$5.34	\$5.98

These rates and charges shall be implemented at the time a parcel of real estate is connected to the POTW.

Section 8.0 Pretreatment, Surcharge and Surveillance Charges

Pretreatment

<i>Rates effective as of:</i>	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
Permit fee - new	\$809.08	\$906.17	\$1,014.91	\$1,146.85	\$1,284.47
Permit fee - renewal	\$606.81	\$679.63	\$761.18	\$860.14	\$963.35
Program administration per 1000 gallons	\$0.15	\$0.17	\$0.19	\$0.21	\$0.24
Min. program administration fee per 6 months	\$50.00	\$56.00	\$67.72	\$70.87	\$79.38
Monitoring setup and tear down fee (per event)	\$151.70	\$169.91	\$190.30	\$215.03	\$240.84
Unscheduled site inspection fee (per visit)	\$75.86	\$84.96	\$95.15	\$107.53	\$120.43
Scheduled site inspection fee (per visit)	\$101.14	\$113.27	\$126.86	\$143.36	\$160.56

Surcharges

<i>Rates effective as of:</i>	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
Per pound for cBOD ₅ in excess of 250 mg/L	\$0.13	\$0.14	\$0.16	\$0.18	\$0.20
Per pound for TSS in excess of 250 mg/L	\$0.10	\$0.11	\$0.12	\$0.14	\$0.15
Per pound for total phosphorus in excess of 11 mg/L	\$1.47	\$1.64	\$1.84	\$2.08	\$2.33
Per pound for NH ₃ -N in excess of 25 mg/L	\$0.42	\$0.47	\$0.53	\$0.60	\$0.67

Surveillance charges are based on cost per sample per parameter.

<i>Parameter</i>	<i>Charge per sample—rates effective as of:</i>				
	<i>7-1-24</i>	<i>1-1-25</i>	<i>1-1-26</i>	<i>1-1-27</i>	<i>1-1-28</i>
COD	\$50.57	\$56.64	\$63.43	\$71.68	\$80.28
BOD ₅ (tBOD ₅ or cBOD ₅)	\$37.92	\$42.47	\$47.57	\$53.75	\$60.21
TSS	\$25.29	\$28.32	\$31.72	\$35.85	\$40.15
pH	\$12.64	\$14.16	\$15.86	\$17.92	\$20.07
Phosphorus	\$50.57	\$56.64	\$63.43	\$71.68	\$80.28
Ammonia Nitrogen	\$25.29	\$28.32	\$31.72	\$35.85	\$40.15
Metals (Per Metal)	\$26.85	\$30.07	\$33.68	\$38.06	\$42.62
Mercury	\$63.28	\$70.87	\$79.38	\$89.70	\$100.46
Mercury (Low Level)	\$117.52	\$131.62	\$147.42	\$166.58	\$186.57
Cyanide (Total)	\$75.71	\$84.80	\$94.97	\$107.32	\$120.19
Volatile Organic Compounds (VOCs)	\$125.43	\$140.48	\$157.34	\$177.79	\$199.13
Fats, Oil and Grease	\$74.58	\$83.53	\$93.55	\$105.72	\$118.40
Total Petroleum Hydrocarbons (TPH)	\$79.10	\$88.59	\$99.22	\$112.12	\$125.58
Kjeldahl Nitrogen	\$72.32	\$81.00	\$90.72	\$102.51	\$114.81
Phenol	\$254.25	\$284.76	\$318.93	\$360.39	\$403.64
Surfactants	\$25.29	\$28.32	\$31.72	\$35.85	\$40.15
Pesticides	\$142.38	\$159.47	\$178.60	\$201.82	\$226.04
sVOCs	\$294.93	\$330.32	\$369.96	\$418.06	\$468.22
PCBs	\$131.08	\$146.81	\$164.43	\$185.80	\$208.10
UVT % Transmittance	\$25.29	\$28.32	\$31.72	\$35.85	\$40.15

Under special circumstances the Board may require additional parameters at a unit charge to be based on the utility's cost of providing the service. Additional monitoring and analytical costs to

the utility may be charged to the user.

Section 2. Rate and Financing Report. A copy of the Rate and Financing Report shall be filed with and maintained by the Clerk of the City.

Section 3. Severability. If any provision, paragraph, word, or section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Section 4. Conflict. All other ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effective Date. This Ordinance shall take effect on _____

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So ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____, at
_____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk